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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,200	02/19/2004	Mitsuaki Moritani	088485-0244	6172

23392 7590 07/06/2007  
FOLEY & LARDNER  
2029 CENTURY PARK EAST  
SUITE 3500  
LOS ANGELES, CA 90067

EXAMINER
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LU, KUEN S

ART UNIT	PAPER NUMBER
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2167

MAIL DATE	DELIVERY MODE
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07/06/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/783,200	MORITANI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kuen S. Lu	2167	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04/20/2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-22 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. On July 1, 2007, a telephone message was left for Mr. Phillip J. Articola (Registration Number 38,819) for informing claims restriction into six groups and requesting election from Applicant. Concerning a response from Applicant might take time; this Action is conveyed for formally presenting restriction requirement.

2. Restriction to one of the following six inventions is required under 35 U.S.C. 121:

I. Claims 1-4 and 21-22, drawn to manipulation of data structure, are classified in class 707, subclass 101.

II. Claims 5-8, drawn to file or database archive or backup, are classified in class 707, subclass 204.

III. Claims 9-12, drawn to query formulation or query input preparation, are classified in class 707, subclass 4.

IV. Claims 13-14, drawn to computer-to-computer connection, are classified in class 709, subclass 227.

V. Claims 15-18, drawn to multimedia or distributed application of database or data structure, are classified in class 707, subclass 104.1.

VI. Claims 19-20, drawn to remote or distributed accessing of database or data structure, are classified in class 707, subclass 10.

3. The inventions I, II, III, IV, V and VI are related as sub-combinations disclosed as usable together in a single combination. The sub-combinations are distinct from each other if they are shown to be separately usable.

In the instant case, invention I is related to converting of content from one format to another after the content is collected, a data structure manipulation.

Invention II is mainly related to collect content by using different protocols. Note content collection is a database or data file archive or backup operation.

As for invention III, the claims focus on an inquiry receiving and an inquiry processing which are query formulation or query input preparation for accessing database or file.

The key element of invention IV is a communication unit performing communications between a first device and a second device(s). Note the devices are capable for processing and performing communications between the devices is an operation of computer-to-computer session connection for multiple computer data transferring.

Concerning invention V, the invention involves a complex method for performing steps of receiving inquiry for content, acquiring and converting the content, storing and retrieving the converted, and acquiring the converted and transmitting the acquired. The invention is a database or data structure application of distributed content on network.

Finally, invention VI specifically receives network content from a first device and a second device(s) not accessible from the first via communication medium. This is a method for remote or distributed accessing of database or file.

Because these inventions are distinct and related to different art sub-classifications, restriction for examination purposes as indicated is proper. Also please be advised this

election/restriction does not preclude any further election/restriction of claim groups in each specific art above.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(l).

Applicant is reminded that the reply to this restriction election to be completed must include an election of the invention to be examined within one month from the mailing date of this office action, even though the requirement be traversed (37 CFR 1.143).


#### ***Contact Information***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuen S. Lu whose telephone number is (571) 272-4114. The examiner can normally be reached on Monday-Friday (8:00 am-5:00 pm). If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is 703-305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for Page 13 published applications may be obtained from either Private PAIR or Public PAIR.

Art Unit: 2167

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 703-305-3900 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, please call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kuen S. Lu, 

Patent Examiner, Art Unit 2167

July 1, 2007